

# EXHIBIT D

---

COPY<sub>1</sub>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MIRIAM BAUZA,

Plaintiff,

- against - Case No. 07 CIV. 6542

MEDIACOM COMMUNICATIONS CORPORATION,

Defendant.  
-----X

March 17, 2008

11:56 a.m.

Deposition of JOE MICHULSKI, a witness on behalf  
of the Defendant herein, taken pursuant to Notice,  
and held at the offices of Bonnist & Cutro, 800  
Westchester Avenue, Suite S332, Rye Brook, New  
York, before April Pearl Schirm, a Court Reporter  
and Notary Public of the State of New York.



DALCO Reporting, Inc.  
court reporting • legal video • videoconferencing  
170 Hamilton Avenue, White Plains, NY 10601  
914.684.9009 Fax 914.684.6561 212.679.609  
800.DAL.8779 dalcoreporting.com

1 JOE MICHULSKI

2 during her whole employment?

3 A. Oh, during her whole employment?

4 Q. Yes, that's fine, continuing in  
5 chronology?

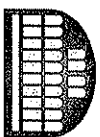
6 A. From the beginning through, I'm going  
7 to say, up until prior to the last few months, it  
8 was essentially payroll. Okay. The last few  
9 months of her employment, she was getting more  
10 involved with other aspects that are payroll  
11 related but non-payroll in essence.

12 She was doing a little bit more  
13 regarding the 401-K plan for me. That is  
14 something that I still, to this day, pretty much  
15 do by myself. She was getting more involved just

---

16 to free up the phone calls when people have  
17 questions. She was entering in all of the 401-K  
18 loans that are processed. At the same time she  
19 would be handling the payment. The final payment  
20 of them requires turning off deductions in the  
21 payroll system.

22 She was getting -- she was starting to  
23 get a little bit more involved with other benefit  
24 aspects of the company, but we really never  
25 fulfilled that transition. She was getting her



JOE MICHULSKI

feet wet, so to speak, in other aspects other than payroll.

Q. How would you characterize her performance for you while she worked at the company?

MR. RIOLO: Overall?

MR. CUTRO: Overall.

MR. RIOLO: Okay. Because there are two different roles he played.

A. When she worked directly for me, it was good.

Q. Met your expectations?

A. It was good. I honestly expected a little more. But we got the job done. She was

---

good.

Q. Now, did you ever write Ms. Bauza up for any performance issues?

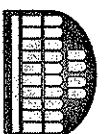
A. No.

Q. Now, there came a time when Ms. Burgos joined the group, correct?

A. Yes.

Q. When was that?

A. I believe that was -- that was in the summer. I think that was June or July of 2006.



1 JOE MICHULSKI

2 Q. I think -- there is no secret here. I  
3 believe Ms. Burgos testified it was June 2006.

4 A. Okay.

5 Q. But we'll use that as a control date.

6 A. Okay.

7 Q. It's not essential.

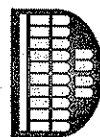
8 What was the reason that -- do you  
9 know why Ms. Burgos was brought into your group?

10 A. She was more of a payroll person. We  
11 needed a more solid leader in that department. I  
12 am not a payroll person. I filled a void in the  
13 transition for the direct reporting aspect of it.  
14 You know, the payroll had reported to different  
15 people within the organization, and at that time,

---

16 it was me. We were also going through a payroll  
17 software transition, required a lot of additional  
18 time. I didn't have that time or the expertise to  
19 do it.

20 So Regina was brought in because she  
21 had that experience of running a payroll  
22 department and she, I believe, had experience  
23 working with the same software that we're  
24 currently running today. So she was a much better  
25 fit. We needed that person in that position.



1 JOE MICHULSKI

2 A. I didn't have the payroll function  
3 reporting to me that long.

4 Q. Okay. During that six months, had you  
5 ever uncovered any errors made by Aetna in paying  
6 disability payments to employees?

7 A. I did not uncover any, no.

8 Q. Did they ever notify you and say they  
9 uncovered an error?

10 A. Yes.

11 Q. How many times did that occur?

12 A. A couple of times.

13 Q. Can you discuss those two times?

14 A. There were instances in which  
15 employees were receiving more compensation than

---

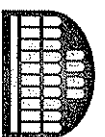
16 they should have.

17 Q. Now, how did Mediacom handle that  
18 situation?

19 A. I'm trying to think, because that  
20 happened early on. It wasn't a large number. I  
21 think it was a few hundred dollars, and I believe  
22 we had the employee return the money, I think.

23 Q. Who would have knowledge of that  
24 information?

25 A. I'm not sure. We could probably go



1 JOE MICHULSKI

2 told you that?

3 A. I do not.

4 Q. Which form did that information come  
5 to you, by telephone, email, person?

6 A. Probably person. It wouldn't have  
7 been email or phone. So it would have been a  
8 verbal conversation.

9 Q. Okay. While Ms. Bauza was out on  
10 disability leave, did you ever speak to her?

11 A. While she was out, she may have called  
12 me maybe. I'm not exactly sure though.

13 Q. What is your -- I mean, what is your  
14 recollection in regard to that? Why do you say  
15 that?

---

16 A. Maybe. Maybe.

17 Q. Would she have left a message for you?

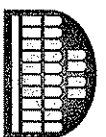
18 A. I don't think she left me a message.  
19 I think she actually called me at least one time,  
20 yes.

21 Q. Do you recall speaking to her?

22 A. Yes.

23 Q. Do you recall the subject matter of  
24 that conversation?

25 A. I recall speaking to her, but I'm not



1 JOE MICHULSKI

2 sure if it was when she was out on leave or not.

3 That's my problem.

4 Q. What was the subject matter of that  
5 conversation?

6 A. Just checking in, seeing how things  
7 were, letting me know how she was doing, things of  
8 that nature.

9 Q. Any other contact you may have had  
10 with her while she was out on disability leave?

11 A. No.

12 Q. Could there have been contact but you  
13 just don't remember?

14 A. No.

15 Q. Why not?

16 A. I know I didn't see her in person.

17 I'm fairly sure that she didn't send me any  
18 emails. And I only recall at least one time that  
19 I'm not sure if she was out on leave at the time  
20 or not.

21 Q. Okay. So you just testified that you  
22 learned from either Judy or Regina that there was  
23 an issue with regard to payments made to Ms.  
24 Bauza. What, if anything, was your involvement  
25 with that issue with Ms. Bauza?

